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SEA**

SERVICE DATE - OCTOBER 31, 2003

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-416 (Sub-No. 3X)

**San Bernardino Associated Governments – Abandonment Exemption – in San Bernardino
County, CA**

BACKGROUND

In this proceeding, San Bernardino Associated Governments (SANBAG) has filed a verified notice of exempt abandonment, and information otherwise required under 49 CFR 1152 Subpart F – Exempt Abandonments, to abandon any residual common carrier obligation on a line of railroad, formerly operated by The Burlington Northern and Santa Fe Railway Company (BNSF), in Redlands, San Bernardino County, California.¹ The portion of the rail line proposed for abandonment extends 1.92 miles from milepost 9.48 to milepost 11.40. A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, SANBAG will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

According to SANBAG, there has been no originating or terminating rail traffic on the subject line for at least two years. The rail line is located in Redlands, which has a population of approximately 65,000. Land use in the vicinity of the right-of-way is largely residential and urban. There are eight public crossings along the right-of-way, and the right-of-way typically ranges from 50 to 100 feet.

SANBAG states that pursuant to an agreement between BNSF and SANBAG, BNSF had the exclusive ability to operate freight service over the line. BNSF relinquished that ability in a Board abandonment proceeding consummated earlier this year. See The Burlington Northern and Santa Fe Railway Company – Abandonment Exemption – in San Bernardino County, CA, STB Docket No. AB-6 (Sub-No. 398X) (STB served Dec. 12, 2002 and consummated Apr. 1, 2003).

¹ This is consistent with the Surface Transportation Board's (Board) decision in Orange County Transportation Authority, Riverside County Transportation Commission, San Bernardino Associated Governments, San Diego Metropolitan Transit Development Board, North San Diego County Transit Development Board – Acquisition Exemption – The Atchison, Topeka and Santa Fe Railway Company, Finance Docket No. 32173 et al. (STB served Mar. 12, 1997) (Transit Agencies).

ENVIRONMENTAL REVIEW

Pursuant to the Transit Agencies decision, SANBAG is relying on the environmental documentation provided by BNSF in the BNSF abandonment proceeding regarding this rail line. BNSF submitted environmental and historical reports that indicated that the quality of the human environment would not be affected significantly as a result of its abandonment or any post-abandonment activities. BNSF served those reports on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules [49 CFR 1105.7(b)]. SANBAG has advised the Federal, state, and local agencies that it is abandoning its interest in the line they reviewed in the BNSF proceeding, that SANBAG is relying on the environmental documentation provided to them by BNSF in that proceeding, and that SANBAG intends to conduct salvage activities to remove the track and track-related facilities from the right-of-way. We have reviewed and investigated the record in this proceeding.²

The California Department of Fish and Game, Eastern Sierra - Inland Deserts Region (Department) submitted comments stating that the project area does not contain any threatened or endangered species, or known wildlife sanctuaries, refuges, or designated critical habitat. However, the Department also stated that the rail line crosses Zanja Creek, which may contain riparian scrub habitat. In addition, several rare species of wildlife may occur in the vicinity of the right-of-way and it is unclear whether the abandonment would impact jurisdictional streams. The Department recommended that it be consulted prior to salvage activities regarding potential impacts to fish and wildlife resources. Based on the Department's comments, we will recommend that SANBAG consult with the Department prior to beginning any salvage activities.

The California Regional Water Quality Control Board submitted comments stating that if more than five acres of soil would be disturbed, coverage under a statewide general permit regulating storm water runoff would need to be obtained. The environmental report indicates that salvage activities would affect less than five acres.

HISTORIC REVIEW

The historic report states that there are no buildings or structures on the property or in the surrounding area that are 50 years old or older. The San Bernardino County Museum, Archaeological

² The Board's Section of Environmental Analysis (SEA) served an Environmental Assessment (EA) for the BNSF abandonment proceeding on December 17, 2002. In the EA, SEA stated that because SANBAG owned the right-of-way, BNSF would not be conducting salvaging activities. SEA concluded that the abandonment as proposed would not significantly affect the quality of the human environment.

Information Center submitted comments stating that the rail line, sidings and associated structures are historic properties, and several historic resources are also in the vicinity of the line proposed for abandonment. One of the resources is the Zanja, which is the original 1819 water ditch that is still in use today. The Zanja is listed on the National Register of Historic Places and is a California Historic Landmark.

The California Office of Historic Preservation (the State Historic Preservation Office or SHPO) submitted comments regarding BNSF's abandonment of the line. The SHPO stated that BNSF's abandonment would not affect historic properties since no salvage of the line would occur.

SANBAG has submitted a letter to the SHPO stating that SANBAG intends to remove all rails and ties from the segment of the line between milepost 10.4 and milepost 11.4; SANBAG has no present intention to remove the rail and ties between milepost 9.48 and 10.4. Because the SHPO has not yet completed its review of SANBAG's proposed abandonment, we will recommend that SANBAG retain its interest in and take no steps to alter the historic integrity of the line and all sites and structures on the line until the completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f .

CONDITIONS

We recommend that the following environmental conditions be placed on any decision granting abandonment authority:

1. **SANBAG shall consult with the California Department of Fish and Game, Eastern Sierra - Inland Deserts Region prior to beginning any salvage activities regarding potential impacts to fish and wildlife resources.**
2. **SANBAG shall retain its interest in and take no steps to alter the historic integrity of the line and all sites and structures on the line until the completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.**

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, and if the recommended conditions are imposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in current operations). In any alternative, the existing quality of the human environment and energy consumption should not be affected.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this environmental assessment, you should send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Rini Ghosh, who prepared this environmental assessment. **Please refer to Docket No. AB-416 (Sub-No. 3X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Rini Ghosh, the environmental contact for this case by phone at (202) 565-1539, fax at (202) 565-9000, or e-mail at ghoshr@stb.dot.gov.

Date made available to the public: **October 31, 2003**

Comment due date: November 14, 2003.

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment

